
PURPOSE

Delinquent youth under the care and supervision of the Michigan Department of Health and Human Services (MDHHS) must be in an approved placement with legal permission. Residential juvenile justice programs must be structured and supervised so that youth and public safety is not compromised. Residential facility staff must ensure timely actions are taken to notify all required individuals and to cooperate with diligent search efforts made by the assigned caseworker to locate the youth.

When a youth in AWOL or escape status is believed or known to have left the state, the additional requirements of [ICM 160, Interstate Runaway, Escapee and Absconder Procedures](#) must be followed.

DEFINITIONS

See [JRG, JJ Residential Glossary](#).

Escape

MCL 803.306a and MCL 400.115n define the escape of a youth as "to leave without lawful authority or to fail to return to custody when required" when from a facility or residence "other than his or her own home or the home of his or her parent or guardian." A youth is considered to be in escape status if he or she leaves an approved placement other than his or her own home or the home of his or her parent or guardian without legal permission or fails to return when required.

RESPONSIBLE STAFF

All state run and private, contracted juvenile justice residential treatment facility staff.

STANDARD OPERATING PROCEDURE

Each facility must develop and implement written standard operating procedures for escape response. The procedures must contain the following requirements:

**Immediate
Notifications**

All notifications and attempted notifications must be documented in MiSACWIS within Social Work Contacts and Victim Notification.

Note: In addition to the immediate notifications listed below, state run facility staff must also determine if a MDHHS Alert Unusual Case/Incident or DHS Alert needs to be completed based on the circumstances of the case, such as the potential for coming to the public's attention or could generate media stories, etc.

Law Enforcement

Pursuant to the Probate Code (MCL 712A.18j), the Social Welfare Act (MCL 400.115n), the Youth Rehabilitation Services Act (MCL 803.307a), and Child Caring Institution Licensing Rules (Mich Admin Code, R 400.4150), when residential facility staff determine that a youth has escaped or failed to return at the expected time, staff must immediately report the information to law enforcement. When the incident occurs in a city, village, or township that has a police department, staff must notify the police department of that city, village, or township. If the incident does not occur in a city, village or township or there is no local police department, notify either the sheriff department of the county in which the incident occurred or the state police post having jurisdiction over the area in which the incident occurred.

Parent, Legal Guardian or Next of Kin

Pursuant to Child Caring Institution Licensing Rules (Mich Admin Code, R 400.4150), when residential facility staff determine that a youth has escaped or failed to return at the expected time, staff must immediately report the information to the parent/legal guardian(s) or next of kin. The facility must establish procedures to implement this policy 24 hours a day.

Responsible Referring Agency, Licensing Authority

Pursuant to Child Caring Institution Licensing Rules (Mich Admin Code, R 400.4150), when residential facility staff determine that a youth has escaped or failed to return at the expected time, staff must immediately report the information to the assigned MDHHS caseworker or court probation officer and the Division of Child Welfare Licensing consultant. The facility must establish procedures to implement this policy 24 hours a day, but no later than the next working day.

Residential facility staff must complete the DHS-3198, Unauthorized Leave Notification, Section I and fax it to the local MDHHS office supervising the youth's case.

Victim

Pursuant to William Van Regenmorter Crime Victim's Rights Act, when residential facility staff determine that a youth has escaped or failed to return at the expected time, staff must immediately attempt to telephone any victim(s) and complete a victim notification letter to any victim(s) who requested notice; see [JRM 502, Victim Notification](#) for detailed requirements.

Immediate Actions

Any staff who determines that a youth has escaped or failed to return at the expected time must:

- Ensure remaining youth are supervised.
- Ensure remaining youth do not physically pursue an escaping youth.
- Physically pursue and apprehend the escaping youth only when it is safe to accomplish.
- Notify facility management when:
 - Staff cannot immediately apprehend the youth.
 - It is unsafe to pursue the youth.
 - The pursuit is unsuccessful.
 - The youth fails to return from an approved home pass or other off campus activity.
- If the incident occurs off campus and more than one staff member is present, staff supervising the remaining youth must notify the facility as soon as feasible.

Additional Immediate Actions Required for State Run Facilities for Direct Court Placed Youth

The facility director or designee must ensure all of the following:

- Organize the search for the escaping youth.
- The residential case manager or designated facility staff has made contact with the youth's court probation officer and has

coordinated and provided all information that is needed in order for the court probation officer to work with law enforcement.

Within 24-hours

- Staff must complete an incident report in MiSACWIS documenting the escape or failure to return at the expected time. All notifications and attempted notifications must be documented in the incident report, along with all of the following elements:
- Name of the youth.
- Time of the escape or failure to return at the expected time.
- Youth's clothing description.
- Youth's direction and method of travel.
- Name(s) of anyone pursuing the youth.
- Staff's location at the time of escape.
- If the incident occurred off campus, the telephone number from which the call was made to report the incident.
- Notify the facility director or designee of the escape and whether victim notification is required and accomplished.

**Apprehension or
Return of Youth**

Upon the apprehension or return of an escaped youth, the facility director or designee must notify all entities previously notified of the youth's escape or failure to return at the expected time.

JOB AIDS

The DHS-5520, Residential AWOLP & Escape Checklist, is available as an optional tool to assist with ensuring required actions are completed.

LEGAL BASE
Federal**The Preventing Sex Trafficking and Strengthening Families Act, PL 113-183**

States must develop and implement plans to expeditiously locate any child missing from foster care; determine the primary factors that contribute to the child's running away or being absent from foster care; determine the child's experiences while absent from foster care, including screening whether the child was a victim of sex trafficking. The supervising agency must report within 24 hours of receiving information on missing or abducted children to the law enforcement authorities and the National Center for Missing and Exploited Children.

State

Michigan Penal Code, 1931 PA 328, as amended, MCL 750.186a

Established penalties for youth placed in a juvenile facility and who escape or attempt to escape from that juvenile facility or from the custody of an employee of that juvenile facility.

Social Welfare Act, 1939 PA 280, as amended, MCL 400.115n

If a juvenile escapes from a facility or residence funded or authorized under this act in which he or she has been placed...the individual at that facility or residence having responsibility for maintaining custody of the juvenile at the time of the escape shall immediately notify 1 of the following of the escape or cause 1 of the following to be immediately notified of the escape:

(a) If the escape occurs in a city, village, or township that has a police department, the police department of that city, village, or township.

(b) Except as provided in subdivision (a), 1 of the following:

(i) The sheriff department of the county in which the escape occurs.

(ii) The department of state police post having jurisdiction over the area in which the escape occurs.

(2) A police agency that receives notification of an escape under subsection (1) shall enter that notification into the law enforcement information network without undue delay.

(3) As used in this section:

(a) "Escape" means to leave without lawful authority or to fail to return to custody when required.

(b) "Juvenile" means 1 or more of the following:

(i) An individual under the jurisdiction of the juvenile division of the probate court or the family division of circuit court under section 2(a)(1) of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.2 of the Michigan Compiled Laws.

(ii) An individual under the jurisdiction of the circuit court under section 606 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.606 of the Michigan Compiled Laws.

(iii) An individual under the jurisdiction of the recorder's court of the city of Detroit under section 10a(1)(c) of Act No. 369 of the Public Acts of 1919, being section 725.10a of the Michigan Compiled Laws.

The Probate Code of 1939, 1939 PA 288, as amended, MCL 712A.18j.

If a juvenile escapes from a facility or residence in which he or she has been placed for a violation described in section 2(a)(1) of this chapter, other than his or her own home or the home of his or her parent or guardian, the individual at that facility or residence who has responsibility for maintaining custody of the juvenile at the time of the escape shall immediately notify 1 of the following of the escape or cause 1 of the following to be immediately notified of the escape:

(a) If the escape occurs in a city, village, or township that has a police department, the police department of that city, village, or township.

(b) Except as provided in subdivision (a), 1 of the following:

(i) The sheriff department of the county in which the escape occurs.

(ii) The department of state police post having jurisdiction over the area in which the escape occurs.

(2) A police agency that receives notification of an escape under subsection (1) shall enter that notification into the law enforcement information network without undue delay.

(3) As used in this section, "escape" means to leave without lawful authority or to fail to return to custody when required.

Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.306a

If a public ward escapes from a facility or residence in which he or she has been placed the individual at that facility or residence responsible for maintaining custody of the public ward at the time of the escape shall immediately notify 1 of the following of the escape or cause 1 of the following to be immediately notified of the escape:

(a) If the escape occurs in a city, village, or township that has a police department, that police department.

(b) If subdivision (a) does not apply, 1 of the following:

(i) The sheriff department of the county where the escape occurs.

(ii) The department of state police post having jurisdiction over the area where the escape occurs.

(2) Subsection (1) applies if the public ward is a public ward under an order of any of the following:

(a) The juvenile division of the probate court or the family division of circuit court under section 2(a)(1) of chapter XIA of 1939 PA 288, MCL 712A.2.

(b) The circuit court under section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606.

(c) The recorder's court of the city of Detroit under section 10a(1)(c) of former 1919 PA 369.

(3) A police agency that receives notification of an escape under subsection (1) shall enter that notification into the law enforcement information network without undue delay.

William Van Regenmorter Crime Victim's Rights Act, 1985 PA 87, as amended, MCL 780.770a(3)

Upon the victim's written request, the family independence agency or county juvenile agency, as applicable, shall give to the victim notice of a juvenile's escape. A victim who requests notice of an escape shall be given immediate notice of the escape by any means reasonably calculated to give prompt actual notice. If the escape occurs before the juvenile is delivered to the family independence agency or county juvenile agency, the agency in charge of the juvenile's detention shall give notice of the escape to the family independence agency or county juvenile agency, which shall then give notice of the escape to the victim who requested notice.

Michigan Administrative Rules

Licensing Rules for Child Caring Institutions, Mich Admin Code, R 400.4150(3) and (4)

(3) If an institution determines that a youth is absent without legal permission, then the institution shall immediately report the information to law enforcement, the parent/legal guardian or next of kin, the licensing authority, and the referring agency.

(4) When a resident's behavior results in contact with law enforcement, the incident shall be reported to the parent/legal guardian, responsible referring agency, and the licensing authority as soon as possible, but not more than 24 hours after the incident.

POLICY CONTACT

Policy clarification questions may be submitted by juvenile justice supervisors and management to Juvenile-Justice-Policy@michigan.gov.